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Proposed Constitution

FOR THE

ESTABLISHMENT OF A CONTEMPLATED

SYNOD,

FOR THE DIOCESE OF

NEWFOUNDLAND ;

CONTAINING

DECLARATION OF PRINCIPLES,
CONSTITUTION AND REGULATIONS OF SYNOD,
ORDER OF PROCEEDINGS, &c., &c.

ST. JOHN'S, N. F. :

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STUDY

NEW FOR A DECADE

1870
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THE DEPARTMENT OF EDUCATION
HAS THE HONOR TO ANNOUNCE
THAT THE NEW FOR A DECADE
STUDY OF THE HISTORY OF
THE UNITED STATES
HAS BEEN COMPLETED
AND IS NOW AVAILABLE
FOR THE USE OF THE
TEACHERS OF THE
PUBLIC SCHOOLS

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THE PUBLIC SCHOOLS

PROCEEDINGS

At a Meeting of the Clergy and Laity of the Church of England, held at St. John's, on Monday, June 27, 1870, to consider the advisability of establishing a Synod for the Diocese of Newfoundland.

The Bishop of Newfoundland having invited the Clergy of the Diocese to meet him, together with two laymen, elected from each Mission, to consult together as to the future constitution and government of the Church in this Diocese, Thirty-seven Clergymen and Twelve Laymen assembled in the Cathedral Sunday School Room on Monday, June 27th, 1870.

The meeting was opened with Prayer by the Lord Bishop.

The Bishop made a statement of his object in calling the meeting together, suggesting that there should be periodical assemblies of the Clergy and Laity of the Diocese, to whom the future charge and government of the Church should be committed.

The Right Revd. the Lord Bishop Coadjutor moved, and the Revd. Thomas Boone seconded, the following Resolution, which was carried unanimously :—

That it is expedient to hold periodical assemblies of the Clergy and Lay Delegates of this Diocese, because

1. That for the future the home government of Her Majesty will not interfere in the appointment or support of a Bishop for this Diocese.

2. That upon the next avoidance or vacancy of the see, the Society for the Propagation of the Gospel will probably discontinue their grant to the stipend of the Bishop, and the stipend drawn from Imperial sources will entirely cease.

3. That it is necessary for the internal government of the Church that some court of consensual jurisdiction should be founded.

4. It is necessary to provide some Board of Trustees, in whom the property of the Church may be vested.

Mr. Whiteway, Q. C., moved, and the Revd. G. M. Johnson seconded, the appointment of a committee to frame a constitution for the Synod, to be named by the Bishop of the Diocese—to consist of the Bishops, five Clergymen, and five Laymen. Carried unanimously.

The BISHOP nominated,

The Rev. W. K. WHITE,	Mr. CARTER, Q. C.,
" J. C. HARVEY,	" E. DUDER,
" G. M. JOHNSON,	" WHITEWAY, Q. C.,
" A. C. F. WOOD,	Hon. Mr. HARVEY,
" E. BOTWOOD,	Mr. H. LEMESSURIER.

The Rev. H. Mather and Mr. G. T. Rendell were appointed Secretaries to the Committee.

The meeting then adjourned till the next day at 11 A. M.

TUESDAY, June 28, 1870.

The Clergy and Lay Delegates met to-day, at 11 A. M., and adjourned until the following Friday, at 3 P. M.

FRIDAY, July 1, 1870.

The adjourned meeting of Clergy and Lay Delegates was held this day in the Cathedral Sunday School Room, at 3 P. M.

Present—33 Clergy and 13 Laymen—

The Lord Bishop of Newfoundland in the chair.

The meeting having been opened with Prayer by the Lord Bishop,

The minutes of the last meeting were read, amended, and confirmed.

The Lord Bishop Coadjutor read the Report of the Committee appointed on Monday, June 27th, for the purpose of framing a Constitution for the Synod, which was as follows:—

Constitution and Rules of Proposed Diocesan Synod of Newfoundland.

DECLARATION OF PRINCIPLES.

I.—We, the Bishop, Bishop Coadjutor, Clergy, and Representatives of the Laity of the Church of England within the Diocese of Newfoundland, assembled together, and intending, under God's blessing and guidance, to consider and determine upon such matters as shall appear necessary for the welfare of the Church in this Diocese, desire, in the first place, for the avoiding of all misunderstanding and scandal, to make a declaration of the principles upon which we purpose to proceed.

II.—We desire that the Church of this Colony may continue, as it has been, an integral portion of the Church of England.

III.—We recognize the true Canon of Holy Scripture, as received by that Church, to be the rule and standard of faith: We acknowledge the Book of Common Prayer, and administration of the Sacraments, together with the Thirty-nine Articles of Religion, to be the true and faithful declaration of the doctrines contained in Holy Scripture. We maintain the form of Church government by Bishops, Priests, and Deacons, as

Scriptural and Apostolical : and we declare our firm and unanimous resolution, in dependence on Divine aid, to preserve those doctrines, and that form of Church government, and to transmit them to our posterity.

IV.—Provided that nothing herein contained shall prevent the Synod from accepting any alteration in the above named formularies, or in the version of the Bible, that may from time to time be adopted by the Church of England with the consent of the Crown and of Convocation, or of the chief governing body, for the time being, of the said Church.

CONSTITUTION AND REGULATIONS OF SYNOD.

I.—Periodical meetings of the Bishop, Clergy, and Laity of this Diocese shall be held for the election of Bishops and for the ordering of the affairs of the Church, the custody and management of the property, the promotion of the discipline of the members thereof, and for the inculcation and maintenance of sound doctrine and true religion throughout the Colony, to the glory of Almighty God and the edification and increase of the Church of Christ, and their assembly, constituted as hereinafter provided, shall be called the Diocesan Synod of Newfoundland.

II.—The Synod shall meet at least biennially, at Saint John's, and at such other times and places as the Bishop shall or may direct, or in his absence or on his death, as is hereinafter provided.

III.—The Bishop, or, in case of his absence or death, his Commissary, or in case of his absence or death, one of the Secretaries, shall, upon a requisition signed by nine of the Clergy and nine lay delegates, summon the Synod specially to meet at such other times and places as may be stated in such requisition.

IV.—Every Clergyman in the Diocese duly licensed by the Bishop, and not lying under any Ecclesiastical censure, shall have a seat and vote in the Synod. The Laity shall appear and vote by their representatives.

V.—An election of Lay Representatives shall take place at a meeting to be held in each Mission or Ecclesiastical district at such time and place as the Clergyman shall appoint, before each biennial meeting of the Synod.

VI.—Every Layman of the age of twenty-one years or upwards, being a member of the Church of England, and of no other religious denomination, shall be qualified to vote at the election of Lay Representatives for the district in which he resides.

VII.—Every Layman of the age of twenty-one years or upwards, being a communicant of the Church of England, and not a member of any other religious denomination, shall be qualified to be elected a Lay Representative for any district in the Diocese.

VIII.—The meeting for the election of Lay Representatives shall be summoned and presided over by the Minister in charge of each Mission or District, at which votes may be taken by

proxy, duly authenticated. The Chairman of the Meeting shall give to each elected representative a certificate of his election, and such representative shall continue in office until his successor be appointed.

IX.—If a vacancy should occur in the number of the representatives of any district, the Minister of that district shall proceed at once to appoint a new election; and in case there be no Minister, then the Churchwardens or three members of the Vestry, or if there be no Wardens or Vestry then any five Churchmen, may summon a meeting to fill up the vacancy.

X.—Each Mission forming a separate cure of souls may send two lay representatives, and for the purposes of the first election, the existing boundaries of the Missions shall be accepted. The Churches of St. Thomas and St. Mary, in St. John's, are to count as separate Missions.

XI.—A quorum of the Synod, at its meetings, shall consist of not less than one-fifth of the Clergy and Lay Representatives respectively, and the Bishop or his Commissary shall preside.

XII.—The vote of each order, viz., Bishop, Clergy, and Laity, shall be taken separately, such vote being determined by the majority of the members present, and voting, in each order: and no act or resolution of the Synod shall be valid, which shall not have received the concurrent assent of the Bishop, the Clergy, and the Laity: and all members present shall be required to vote on every question.

XIII.—There shall be two Secretaries, one chosen by the Clergy, the other by the Laity, who shall keep regular minutes of all proceedings of the Synod.

XIV.—There shall be a Treasurer of the Synod, who shall receive and disburse all monies collected and paid under its authority ; and two Auditors, who shall annually inspect the accounts, and report thereon to the Synod at its next meeting.

XV.—Any proposition for the alteration of the constitutions, regulations, rules of order, or canons, shall be introduced in writing, and considered at the meeting at which it is proposed, and, if approved by a majority, shall lie over to the next meeting of the Synod; and, if then again approved by majorities of not less than two-thirds of both Clergy and Lay Representatives respectively, then present, and by the Bishop, it shall be adopted.

XVI.—Members of the Church, not being members of the Synod, may be present at meetings of the Synod, subject to the directions of the Chairman, but they shall not be allowed to speak or vote, and they may be required by him to withdraw, upon the application of any three members of the Synod.

XVII.—No meetings of the Synod shall be held during the months of January, February, or March, nor at any other time, unless at least three months previous notice has been given.

XVIII.—At all meetings of the Synod or Standing Committee, the Bishop's Commissary shall represent the Bishop when absent ; and on

the death of the Bishop, the Commissary of such deceased Bishop shall continue to represent the Episcopal order in Synod, until a successor in the Bishopric shall assume his office.

*XIX.—The Synod shall, from time to time, make and establish such Rules and Regulations as shall be deemed requisite for the custody and management of all property belonging to, or held in trust for the said Synod, or to which it shall be entitled, and for the government of all persons holding office under or receiving emolument from the said Synod, and shall determine in what manner, and upon what conditions, every Bishop, Clergyman, Trustee, Lay-reader, Churchwarden, School-master, or other office-bearer, or agent, whether Clerical or Lay, shall enter upon the use and occupation of any Church, Parsonage, Glebe, or other Church property of any description, owned by, or held on trust, for the Synod, or to which it shall be entitled, and in what manner, and on what conditions, all such persons shall receive their appointments respectively. And the said Synod shall have full power to fix the amount of all salaries, dues, fees, and other emoluments payable to any person out of the proceeds of any property owned or held in trust for the Synod; and shall also, from time to time, make and establish such rules as it shall deem requisite, to regulate the appointment of Clerical delegates and the election of Lay delegates to the Synod, the number and qualification of such delegates, the period of their service, the mode of filling up vacancies in their number, the meetings of the Synod, the method of raising funds to defray the necessary expenses

thereof, the officers of the Synod, and the mode of their appointment, the mode of investigating complaints against any person who shall have subscribed to the constitution and rules of the Synod, and generally to carry into complete operation the objects of the said Synod.

ORDER OF PROCEEDINGS.

I.—The business of every day shall be preceded by special Prayer for the Divine guidance and blessing, according to a form authorised by the Bishop.

II.—At the first meeting of each new Synod, the Chairman, or such person as he shall appoint, shall call over the roll of the Clergy to be furnished by the Bishop, and mark the names of those in attendance, and the names of the several Missions or Ecclesiastical Districts; when the certificates of the Representatives having been presented shall be examined by a Committee of two to be appointed by the Chairman for that purpose, and when found satisfactory the names shall be recorded and read.

III.—The election of the Secretaries shall then be made by the Clergy and Laity, which officers shall hold their offices until their successors shall be appointed.

IV.—After this the order of business shall be as follows:

Reading, correcting, and approving the Minutes of the previous Meeting.

Appointing Committees.

Presenting, reading, and referring Memorials and Petitions.

Presenting reports of Committees.

Giving notice of motions.

Taking up unfinished business.

Consideration of motions.

V.—An address from the Bishop shall be in order at any time.

VI.—All notices of motion given by a Clergyman, or a representative of the Laity, for proceeding at a subsequent meeting, shall be read over at such meeting, and may be taken up by any member present at such meeting, in the same manner as if he had himself given the notice.

RULES FOR THE PRESERVATION OF ORDER.

I.—When the Bishop or other person presiding has taken the Chair, no member shall continue standing.

II.—When any Member is about to speak for the information of the Synod, he shall rise and address himself to the Chair.

III.—No motion or amendment shall be considered as before the Synod (excepting such as may be proposed by the Bishop or Committees) unless seconded, and reduced to writing.

IV.—No member shall speak more than twice on the same question without asking and receiving permission from the Chair.

V.—When a question is under consideration, no other motion shall be received unless to adjourn, to lay it on the table, to postpone it to a certain time, to postpone it indefinitely, to commit it, to amend it, or to divide it; and motions for any of these purposes shall have precedence in the order here named.

VI.—Motion to adjourn or to lay on the table shall be decided without debate.

VII.—When a motion has been read to the Synod by the Secretary, it cannot be withdrawn by the mover without the consent of the Synod.

VIII.—Each member shall have the right to require at any period of the debate that a question in discussion be read for his information.

IX.—A member, called to order whilst speaking, shall sit down, unless permitted to explain.

X.—All questions of order shall be decided by the Chair.

XI.—All amendments to a motion shall be considered in the order in which they are moved.

XII.—When a proposed amendment is under consideration, no amendment to such amendment shall be in order; yet a substitute for the whole matter may be proposed and received, provided it deals directly with the subject in hand.

XIII.—All amendments to any question shall be decided on before the question or motion on which they arise is proposed for decision.

XIV.—Whilst any question is being put from the Chair, the members shall continue in their seats, and shall not hold any private discourse ; and when a motion is so put, no member shall retire until such motion is disposed of.

XV.—In voting, those who vote in the affirmative shall first rise, and then those who vote in the negative.

XVI.—A question being once determined, shall not again be drawn into discussion in the same session, without the special sanction of the Bishop.

XVII.—No protest or dissent shall be entered on the minutes of the proceedings, but when required by any one member, the number of affirmative and negative votes shall be recorded.

XVIII.—When the Synod is about to rise, every member shall keep his seat until the Bishop, or other person presiding, has left the chair.

RULES REGARDING COMMITTEES.

I.—The proposer of any Committee shall submit a list of persons to be appointed, subject to amendment by the Synod.

II.—The reports of Committees shall be in writing, signed by the Chairman, and shall be received in course.

III.—The Chairman of the Committee, or some member deputed by him, shall explain to the Synod the bearing of any portion of the Report, if requested by any member of the Synod.

IV.—All reports of Committees recommending any action or expression of opinion shall be accompanied by a Resolution for the action of the Synod thereon.

V.—In case any Lay Member of a Committee is not re-elected, his successor shall take his place in the Committee.

EXECUTIVE COMMITTEE.

I.—There shall be a Standing Executive Committee, appointed by the Synod at its first meeting, to consist of the Bishop, five Clerical, and five Lay Members, of whom any four members, with the Bishop, shall be a quorum.

II.—At each biennial meeting of the Synod, the two Clerical and the two Lay members of the Committee, whose names respectively shall stand at the head of the list, shall go out of office, and the Synod shall fill up the vacancies; but all such Members shall be eligible for re-appointment. If any vacancy shall occur between the sessions of the Synod, it shall be provisionally filled up by the Clerical or Lay Members of the Committee, as the case may be, such appointment to be subject to the approval of the Synod at its next meeting.

III.—The Executive Committee may, at their discretion, accept, on behalf of the Synod, real

and personal estate, to be at the disposal of the Synod, or to be held in trust for any religious or charitable object, and, when the Synod shall be incorporated, may affix the Corporate seal of the Synod to any document which they may be required to execute with respect to such property.

IV.—The said Committee may frame Bye-Laws for its own guidance, but such Bye-Laws shall be subject to revision by the Synod.

V.—It shall be the duty of the Executive Committee to prepare, in due form, all such matter as the Bishop, or any member of the Synod, Clerical or Lay, may desire to have brought before the Synod; they shall issue a circular, stating the time and place of meeting, the business, so far as known, for the ensuing Synod, and the order in which such business will be discussed, and shall forward the Circular to each Clergyman and Delegate one month before the meeting of the Synod. The business mentioned in the Circular shall have precedence of all other business.

DECLARATION OF ASSENT.

No Bishop, Clergyman, Trustee, Lay-Reader, Church-warden, School-master, or other office-bearer, or Agent, shall be admitted to any Church, Parsonage, Glebe, or Office, under the Synod, or receive any emolument or profit from any property held under the same, until he shall have signed a declaration of his adhesion and

submission to the authority of the Synod, in a form to be prescribed by the said Synod.

ELECTION OF BISHOP.

I.—When the See is vacant, the Commissary of the late Bishop, or, in his absence, the Presbyter Senior in Holy Orders, resident in St. John's, shall, within one fortnight of the date of such vacancy being brought to his knowledge, summon a special meeting of the Synod, to meet at St. John's, in not less than three months from the date of such summons, not being the months of January, February, or March, for the purpose of electing a successor in the See. And during the vacancy of the See, no other business shall be transacted by the Synod.

II.—No election shall take place unless half of all the Clergy and Lay Representatives respectively be present, the vote of a majority of not less than two-thirds of each order present being necessary for such election, the Chairman voting with the Clergy. If a quorum should not assemble at such special meeting, the members present shall adjourn to any day within one week, and so on, from time to time, until a quorum shall be formed, when the election shall be proceeded with.

III.—Provided that in the case of non-election within a week, it shall be competent to the Synod, by a majority of two-thirds, to request the Archbishop of Canterbury, with the Archbishop of York, and the Bishop of London, to appoint a Bishop for the Diocese.

REGULATIONS FOR THE DISCIPLINE OF THE CLERGY.

I.—Whenever the Bishop may determine to institute proceedings against any Clerk in Holy Orders, who may be charged with any offence against the laws ecclesiastical, or concerning whom there may exist scandal or evil report, he shall issue a commission under his hand and seal, to five Presbyters, of not less than seven years standing, and the Commissioners so appointed, or any three of them, shall enquire into the truth of the charges alleged against the party accused, as set forth in their commission, notice of the time and place of such enquiry having been given to the party accused, and to the party, if any, on whose application or complaint the commission may have been issued, not less than thirty days before the time appointed for the commencement of the enquiry. And in the course of such enquiry, the Commissioners shall receive all such evidence as may be rendered to them, whether for or against the party accused. And the said Commissioners shall report, in writing, under the hands of at least three of them, whether, in the opinion of the majority of those present, there be or be not sufficient *prima facie* ground for instituting further proceedings, which Report shall be accompanied by a copy of the evidence on which it is founded.

II.—And in all cases, when the Commissioners shall have reported that there is *prima facie* ground for further proceedings, the Bishop, with the written consent of the party accused, may pronounce judgment without further proceedings.

III.—If the Commissioners shall report that there is *prima facie* ground for further proceedings, and the party accused shall not consent to have judgment pronounced, as aforesaid, then, but not otherwise, three Clerks in Holy Orders, or three Clerks and three Laymen, shall be nominated, as hereafter provided, to sit with the Bishop, or his Commissary, specially appointed for this purpose to hear the cause.

IV.—Notice of the Bishop's intention to institute further proceedings shall be delivered to the person accused, or left at his usual place of abode, together with a copy of the charge or charges to be preferred, and the names of nine Presbyters, of not less than seven years standing, and of nine Lay Members of the Diocesan Synod, from which the accused shall select, when the charge is one of error in Doctrine only, three Presbyters, and in all other cases, three Presbyters and three Laymen, and shall notify his selection to the Bishop within fourteen days after such service. But if the accused party shall refuse or neglect to make such selection, then, at the expiration of twenty-one days from the day of such service, the Bishop may himself select three Presbyters, or three Presbyters and three Laymen, as aforesaid. And upon receipt of notice of the selection made by the party accused, or after his own selection, as the case may be, the Bishop shall notify, in manner aforesaid, to the said party, the place and day appointed for his trial, which shall not be less than twenty-one days after such service.

V.—At the trial there shall be at the least two of

the Clerical and one of the Lay assessors, or in question of Doctrine, the three Clergy present, with the Bishop, or his Commissary, and the course of proceedings shall be in all respects, as far as possible, in conformity with the ordinary practice of Courts of Justice. And if, after full investigation and examination, the truth of the charges shall be proved, to the satisfaction of the Bishop or his Commissary, and a majority of the Assessors, (or in questions of Doctrine, of a majority of Clerical assessors), sentence shall then be pronounced by the Bishop, in accordance with such powers as shall hereafter be conferred by the Synod.

VI.—If the party accused shall not appear on the day appointed for the trial, after notice thereof having been served upon him, or left at his usual place of abode, the cause may nevertheless be heard and determined, as if he were present, unless there shall appear to be sufficient cause for deferring proceedings to a future day.

VII.—Advocates shall be allowed on both sides, at the pleasure of the parties, provided they are Clergymen of the Church of England, licensed in the Diocese, or Laymen who declare themselves to be members of the same Church, and to belong to no other communion.

VIII.—All proceedings under these regulations must be commenced within one year from the date of the alleged offence.

The consideration of the question of the trial of the Bishop was left to the future action of the Synod.

Mr. Carter, Q. C., moved, and the Bishop Coadjutor seconded, the following motion, which was carried :—

That it is advisable, and it is the opinion of the meeting, that before undertaking to adopt the draft of a Constitution and Rules, as presented by the Committee, the same should be printed, and copies sent by the Secretaries to the several Clergymen of the Diocese for circulation and submission to their Parishioners ; and that on a day in the month of June next and at a place in St. John's, to be appointed by the Bishop, the Clergymen, and the Laity through two Delegates to be chosen by the latter in the several missions at a meeting to be specially convened by the respective Clergymen for the purpose after a fortnight's notice, be requested to attend a general meeting at St. John's, for discussion, decision, and final action on the proposed draft.

Mr. Carter, Q. C., moved that the Committee appointed to prepare a draft of Constitution and Rules, be continued as a standing Committee for consultation and advice, for arranging and superintending the printing of the Report of the Committee, and correcting the same when advisable, and for devising the best means for the establishment of the Synod, and the promotion of its objects, with liberty to add to their number.

The Rev. Mr. Colley seconded the motion, which was carried unanimously.

The Doxology having been sung, the Bishop pronounced his blessing, and the meeting terminated.

